

**State of Board of Health  
Minutes  
February 13, 2009 – 9:00 a.m.  
Perimeter Center, 9960 Mayland Drive  
Richmond, Virginia 23233**

Members present: Fred Hannett, Chairman; Dr. Craig Reed, Vice Chairman; Dr. Julie Beales; Scott Burnette; Jim Edmondson; Kandy Elliott; Barbara Favola; Dr. Charles Johnson; Dr. Jack O. Lanier; Dr. Bennie Marshall; Dr. Bhushan Pandya; Ed Spearbeck; and David Summers

VDH staff present: Dr. Karen Remley, State Health Commissioner; Dr. Jim Burns, Deputy Commissioner for Public Health; Jeff Lake, Deputy Commissioner for Community Health Services; Joan Martin, Deputy Commissioner for Administration; Joe Hilbert, Executive Advisor; Martha Pulley, Policy Advisor; Catherine West, Administrative Assistant; Michael McMahon, Deputy Director, Office of Financial Management; Phil Giaramita, Director of Communications; Gary Brown, Director, Office of Emergency Medical Services; Mike Berg, Office of Emergency Medical Services; Paul Sharpe, Office of Emergency Medical Services; Dr. David Suttle, Director, Office of Family Health Services; Chris Durrer, Director, Office of Licensure and Certification; Bob Hicks, Director, Office of Environmental Health Services; Nancy VanVoorhis, Office of Environmental Health Services; Dr. Diane Woolard, Office of Epidemiology; Les Foldesi, Division of Radiological Health; Dr. Michael Royster, Director, Office of Minority Health and Public Health Policy.

Others Present: Matt Cobb, Robin Kurz, and Karri Atwood, Attorney General's Office.

Call to Order

Mr. Hannett convened the meeting at 9:00 a.m.

Approval of Minutes

The minutes of the October 17, 2008 Board meeting were approved unanimously, following one correction on page 1, correcting the spelling of Dr. Pandya's first name.

Matrix of Pending Regulatory Actions

Joe Hilbert reviewed the listing of all of the pending VDH regulatory actions. There were no questions.

Commissioner's Report/Budget Update

Dr. Remley provided the Commissioner's report.

- Introduced Dr. Mark Levine as the new Deputy Commissioner for Emergency Preparedness and Response
- The General Assembly commended Dr. Lisa Kaplowitz with HJR 698.

- VDH staff helped to protect public health in connection with activities surrounding the Presidential Inauguration
- VDH will be participating with ASTHO on a national webcast concerning mental health issues
- Dr. Remley has made 20-25 presentations to a variety of organizations across the Commonwealth since the October Board of Health meeting
- Briefed the Board on the status of VDH's response to the Salmonella outbreak.

Following the General Assembly session, Dr. Remley plans to resume her visits to local health districts. She will coordinate with Board members when visiting local health departments in their areas. Dr. Remley plans to make an extended visit to local health departments in far Southwest Virginia in late spring.

Dr. Remley provided an update on the status of action concerning her Commissioner's goals from 2008:

- Ensure all VDH personnel are prepared to respond to emergency events
- Maximize appropriate billings and collections – Any funds that VDH is entitled to but does not collect are retained by health plans. VDH is allowed to bill for additional amounts due up to one year following the date of care
- Assess agency fees

VDH is piloting the use of social networking software with the Commissioner's Infant Mortality workgroup and with its public health nurses. Both groups are working with Dr. Burns to develop appropriate rules for the use of the social networking site.

VDH is working on newspaper op-ed pieces in connection with the Governor's restaurant smoking ban legislation, and in connection with infant mortality prevention.

Dr. Remley briefed the Board on her priorities for 2009:

- Infant mortality prevention – This is underway
- Comprehensive agency communications plan – A plan is being drafted. Phil Giaramita briefed the Board on development of the plan.
- Establishment of a Medical Liaison staff position – VDH is recruiting for this position. A key responsibility of the position will be to develop a comprehensive database, that physicians could agree voluntarily to be a part of, that would enable the Commissioner to rapidly send out information to physicians.

Dr. Remley briefed the Board on the provisions of the federal economic stimulus legislation.

There was a brief discussion concerning the impact of the economic recession on the need for public health services in Virginia. Dr. Remley said that the patient rolls in the free clinics are doubling. In addition, increasingly patients are not showing up for their appointments in private physician's offices because they can not afford the co-payment. Jeff Lake noted that more physicians are now willing to accept Medicaid reimbursement, which diverts Medicaid patients away from local health departments, which in turn leaves the local health departments serving a

larger percentage of indigent/uninsured patients. Scott Burnette noted that hospital emergency departments are seeing more patients. In addition, hospital charity care and bad debt expenses are exceeding budgeted amounts. The number of elective surgeries is decreasing.

Scott Burnette said that there are no provisions in the federal economic stimulus legislation that would prevent states from using the stimulus funding to supplant existing State Medicaid funding. However, there is a maintenance of effort requirement that prevents states from changing Medicaid eligibility criteria.

#### Budget Update

Dr. Remley updated the Board on the provisions of the Governor's Budget Bill that pertain to VDH, particularly the various spending reductions that were contained within the Budget Bill.

There was a brief discussion concerning proposed reductions to the dental and physician scholarship and loan repayment programs. Dr. Remley stated that there was the potential to restore portions of these programs using funding from the federal economic stimulus legislation.

There was further discussion concerning the long term projection for the availability of physicians in Virginia. Dr. Remley said that while we are still seeing lots of applicants for medical school, additional residency slots are not being created.

#### Fee Update

Joan Martin briefed the Board on VDH's work to identify and assess all of the fees which it is authorized to impose. Joan told the Board that, by the end of FY09, VDH plans to develop recommendations for revisions to fees. Those recommendations will be presented to the Secretary of Health and Human Resources. Fred Hannett requested another update at the April Board meeting.

#### Legislative Update

This was provided by Joe Hilbert. There was a brief discussion concerning the status of the restaurant smoking ban legislation. There were no questions.

#### Public Comment Period

There were no comments from any member of the public.

#### Regulations Governing Durable Do Not Resuscitate Orders [DDNRs] (12 VAC 5-66) (Proposed Amendments)

These were presented by Gary Brown, Director, Office of Emergency Medical Services. There was considerable discussion concerning issues surrounding the use of DDNRs. It was explained that these regulations only apply to actions to be taken by EMS providers with respect to the DDNR. Gary Brown said that there is no reciprocity between Virginia and other states regarding

out-of-state physician orders. In the absence of a DDNR, the default response by EMS providers is always to resuscitate. There is no electronic database of DDNRs that can be accessed by EMS providers.

The proposed amendments were unanimously approved.

#### Emergency Medical Services Regulations (12 VAC 5-31) (Proposed Amendments)

These were presented by Gary Brown. The current regulations went into effect in 2003. There are no state or federal standards for EMS response times. In a prior VDH regulatory action, there was an attempt to establish a standard for EMS response time. That effort was unsuccessful. There was a brief discussion concerning patient confidentiality.

The proposed amendments were unanimously approved.

#### Overview of Health Equity Issues

This was presented by Dr. Michael Royster, Director, Office of Minority Health and Public Health Policy.

There was a brief discussion concerning Dr. Royster's recommendation for the establishment of an interagency working group. The Board expressed its general support for such a workgroup. Fred Hannett said that the various stakeholders of each of the other agencies should also be involved in this effort. Dr. Lanier suggested that Virginia's historically black universities and colleges also be involved in this effort. Dr. Remley told the Board that VDH is doing all that it can to ensure that this recommendation gets implemented.

#### Lunch Presentation

During lunch, the Board watched "Place Matters", an episode from the PBS television series *Unnatural Causes: Is Inequity Making Us Sick?*

Following the episode, there was a brief discussion. Barbara Favola said that the Board should disseminate this episode as widely as possible to other stakeholders. She also said that hopefully VDH could obtain funding to implement an educational campaign concerning these issues. Dr. Royster said that VDH and local health departments have copies of the episode that can be loaned out. Dr. Remley said that while VDH does not have a specific plan for an education campaign, it is working to convey these health equity messages to the Secretary, Governor and others. She also said that VDH will continue to work through Dr. Royster's office to convey this information.

Jim Edmondson said that each of the Board members could help to carry back the health equity message to their respective constituencies.

Regulations for the Licensure of Home Care Organizations (12 VAC 5-381) (Notice of Intended Regulatory Action)

Chris Durrer, Director, Office of Licensure and Certification, presented the NOIRA. Following a brief discussion concerning the current provisions of the regulations, the Board approved the NOIRA unanimously.

Jim Edmondson encouraged VDH to consider a potential Code revision pertaining to the regulation of home care organizations and assisted living facilities.

Regulations for Testing Children For Elevated Blood-Lead Levels (12 VAC 5-120) (Final Amendments)

Robert Hicks, Director Office of Environmental Health Services, presented the final amendments. The Board unanimously approved the final amendments.

Radiation Protection Regulations (12 VAC 5-48) (Final Amendments)

Mr. Les Foldesi, Director, Division of Radiological Health, presented the final amendments. The Board unanimously approved the final amendments.

Regulations for Disease Reporting and Control (12 VAC 5-90) (Proposed Amendments)

Dr. Diane Woolard, Director, Division of Surveillance and Investigation, presented the proposed amendments. The Board unanimously approved the proposed amendments.

Regulations Governing the Dental Scholarship and Loan Repayment Programs (12 VAC 5-520) (Proposed Amendments)

Dr. David Suttle, Director Office of Family Health Services, presented the proposed amendments. The Board unanimously approved the proposed amendments.

Virginia WIC Program State Regulations (12 VAC 5-195) (Proposed Amendments)

Dr. David Suttle presented the proposed amendments. Following a brief discussion concerning access to WIC services, the Board unanimously approved the proposed amendments.

Member Reports

*Dr. Jack Lanier – Consumer.*

He is working with the American Hospital Association to address health workforce issues. The federal economic stimulus bill contains funding for workforce training. He is also working with the Special Workgroup of the Uniformed Services University in order to address recruitment and retention of faculty and students of diverse backgrounds.

*Barbara Favola – Local Government*

Local governments are following the economic stimulus legislation. There is funding in the bill to bolster safety net programs. But the funding is “one time only” and also time-limited.

*Dr. Bhushan Pandya – Medical Society of Virginia*

MSV supports the smoking ban legislation. He briefed the Board on the recent work of the MSV Foundation.

*Dr. Charles Johnson – Virginia Dental Association*

The VDA recently sponsored a Mission of Mercy (MOM) dental clinic in Emporia. They were expecting 200 patients but actually saw 460. Another MOM was held in Goochland, where they had 200 volunteer dentists to serve 200 patients.

*Dr. Bennie Marshall – Virginia Nurses Association*

The VNA has concerns with regard to the economy. Emergency room nurses are being laid off. VNA is happy that funding for nursing scholarships has been preserved in the state budget.

*David Summers – Virginia Association of Health Plans*

The VAHP is following a number of bills in the General Assembly. At the federal level, health plans are following legislation to reauthorize the SCHIP program, and also following the economic stimulus legislation. Enrollment in Medicaid MCOs is growing.

*Scott Burnette – Hospital Industry*

No report.

*Julie Beales – Medical Society of Virginia*

No report.

*Kandy Elliott – Nursing Home Industry*

The Virginia Health Care Association (VHCA) is very concerned about proposed reductions to Medicaid nursing home reimbursement. The VHCA and the American Health Care Association are working with the U.S. Centers for Medicare and Medicaid Services on its 5 star ranking methodology. Kandy told the Board that there are some real flaws with the CMS ranking system. There is particular concern because the 5 star system has implications for the CMS pay for performance system.

*Craig Reed – Virginia Veterinary Medical Association*

The VVMA is following efforts to appoint a new U.S. Secretary of Health and Human Services. The VVMA was pleased to hear of the recent court decision that there is no link between thimerosal in vaccines and autism. Dr. Reed requested that the VDH Office of Drinking Water provide an overview presentation of its activities to the Board at the April meeting.

*Ed Spearbeck – Virginia Pharmacists Association*

He is pleased that there is still \$2 billion in funding for health information technology in the federal economic stimulus legislation.

*Jim Edmondson – Consumer*

No report.

*Fred Hannett – Corporate Purchaser of Health Care*

He told the Board that it is very important for all of the members to communicate with their constituencies in order to remind them of the importance of public health, and the need to adopt a holistic approach towards public health and health care. He also encouraged the members to receive their Board materials electronically in advance of the April meeting.

Other Business

Dr. Remley told the Board that she will be out of the country on April 17. Dr. Burns will represent her at the April 17 Board meeting.

Adjourn

The meeting adjourned at approximately 3:00 p.m.